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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,338	03/01/2002	John p. Ruckart	01093	4121
36192 7590 12/17/2009 AT&T Legal Department - CC Attn: Patent Docketing Room 2A-207 One AT&T Way Bedminster, NJ 07921				
EXAMINER				
ANWAH, OLISA				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
12/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/086,338

Applicant(s)

RUCKART, JOHN P.

Examiner

OLISA ANWAH

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-16 is/are allowed.
- 6) ☒ Claim(s) 6-13, 17, 18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

INTRODUCTION

1. In view of the Appellant's Brief filed on 9/11/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b) (2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the

time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 7, 9, 10, 12, 13, 17, 18 and 20-22 are rejected under 35 U.S.C § 103(a) as being unpatentable over Moon et al, U.S. Patent No. 6,418,309 (hereinafter Moon) in view of Dutta, U.S. Patent No. 6,760,581 (hereinafter Dutta).

Regarding claim 6, Moon discloses a method of handling an incoming call to a telecommunications device from a calling party to a called party, the method comprising:

receiving one or more parameters of a hold function, wherein the parameters include a user input predetermined time period during which the incoming call is placed on hold, the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program;

if the hold function is enabled based on the one or more parameters of the hold function, automatically answering the call if the call corresponds to the one or more parameters of the hold function and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call;

if the hold function is not enabled, directly ringing a called party device;

playing a message to the calling party that the call has been placed on hold; and

connecting the called party to the calling party when the called party answers the call (see Figures 4 and 5A).

Still on the issue of claim 6, Moon does not disclose that the parameters include a list including at least one predetermined potential calling party from whom incoming calls are placed on hold. Even so, Dutta discloses this feature (see list from column 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moon with the list taught by Dutta. This modification would have improved the system's convenience by allowing the user to handle important calls as suggested by Dutta (see column 2).

Again on the issue of claim 6, nowhere does Moon disclose determining whether the called party has pressed a button on the telecommunications device to enable a hold function. All the same, Dutta discloses this feature (see step 405 from Figure 4). Consequently, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to further modify Moon with the Hold Key of Dutta. This modification would have improved the system's convenience by enabling the user to handle a call during an unscheduled activity.

Regarding claim 7, see Figure 4.

Regarding claim 9, see Figure 5A.

Regarding claim 10, see Figure 5A.

Regarding claim 12, see Figure 5A.

Regarding claim 13, Moon does not explicitly mention connecting the call to a voicemail system when the called party presses a button on the telecommunications device. Nevertheless, Dutta discloses teaches limitation (see end from column 6). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Moon with the end button of Dutta. This modification would have improved the system's convenience by eliminating an unwanted interruption.

Regarding claim 17, Moon discloses an apparatus comprising:
means for receiving one or more parameters of a hold
function, wherein said parameters include a user input

predetermined time period during which the incoming call is placed on hold, the user input predetermined time period during which the incoming call is placed on hold being obtained by interfacing with a scheduling program;

means for automatically answering a call placed by a calling party to a called party if the hold function is enabled and placing the call on hold, if the call corresponds to the one or more parameters and placing the call on hold, the automatically answering the call and placing the call on hold being performed without input from the called party at the time of the call;

means for directly ringing a called party device if the hold function is not enabled based on the one or more parameters of the hold function;

means for playing a message to the calling party that the call has been placed on hold; and

means for connecting the called party to the calling party when the called party answers the call (see Figures 4 and 5A).

Still on the issue of claim 17, Moon does not disclose that the parameters include a list including at least one predetermined potential calling party from whom incoming calls are placed on hold. Even so, Dutta discloses this feature (see

list from column 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Moon with the list taught by Dutta. This modification would have improved the system's convenience by allowing the user to handle important calls as suggested by Dutta (see column 2).

Again on the issue of claim 17, nowhere does Moon disclose a means for determining whether the called party has pressed a button on the telecommunications device to enable a hold function. All the same, Dutta discloses this feature (see step 405 from Figure 4). Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Moon with the Hold Key of Dutta. This modification would have improved the system's convenience by enabling the user to handle a call during an unscheduled activity.

Regarding claim 18, see Figure 4.

Regarding claim 20, see Figure 5A.

Regarding claim 21, see Figures 4 and 5.

Regarding claim 22 , see Figures 4 and 5.

4. Claim 11 is rejected under 35 U.S.C § 103(a) as being unpatentable over Moon combined with Dutta in further view of Okun et al, U.S. Patent Application Publication No. 2002/0077157 (hereinafter Okun).

Regarding claim 11, the combination of Moon and Dutta does not explicitly teach playing a message to the calling party that is resident on a services node of a telecommunications network. Nonetheless, Okun discloses this feature (see paragraph 0057). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Moon and Dutta with the IVR of Okun. This modification would have improved the system's efficiency by saving the precious memory space of the telecommunications device.

Allowable Subject Matter

5. Claim 14 is allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Olisa Anwah
Patent Examiner
February 11, 2009

/Olisa Anwah/

Primary Examiner, Art Unit 2614

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614